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SENATE BILL 2477 By
Haynes

HOUSE BILL 2653
By McMillan

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 17, Part 13, relative to offenses involving the use or display of firearms.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 17, Part 13, is amended by adding the following as a new section:

Section 39-17-1324.

(a) If a defendant uses or displays a firearm during the commission of or escape from an offense, the punishment for such offense shall be increased by one (1) classification if at the time of the offense the defendant was prohibited from:

(1) Purchasing a firearm under the provisions of Tennessee Code Annotated, Section 39-17-1316;

(2) Receiving a firearm under the provisions of 18 U.S.C. § 922;

or

(3) Possessing a firearm under the provisions of Tennessee Code Annotated, Section 39-17-1307, or any other provision of state or federal law.

(b) If a defendant uses or displays a firearm during the commission of or escape from a Class A felony, the presumptive sentence shall be the maximum sentence in the range from which the defendant is being sentenced.

(c) If the statute defining a criminal offense provides alternative methods for its commission, one of which involves the use or display of a weapon, and the state's proof is sufficient to show that the defendant committed the offense under more than one (1) of such methods, the judge shall instruct the jury to make the following special findings:

(1) Whether the defendant used or displayed a weapon during the commission of or escape from the offense; and

(2) Whether the weapon used or displayed was a firearm.

SECTION 2. This act shall take effect July 1, 2000, the public welfare requiring it.